

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

BENJAMIN FIGUEROA,

Defendant.

19-CR-445-1 (JMF)

MEMORANDUM OPINION  
AND ORDER

JESSE M. FURMAN, United States District Judge:

Defendant has filed two motions, one seeking the appointment of counsel, *see* ECF No. 89, and one seeking an extension of his deadline to file a reply, *see* ECF No. 90.

Under the Criminal Justice Act (“CJA”), the Court has authority to appoint counsel for “any financially eligible person who . . . is seeking relief” under 28 U.S.C. § 2255 if the Court “determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). “In deciding whether to exercise its discretion to appoint counsel under the CJA, courts in this circuit consider the same factors as those applicable to requests for *pro bono* counsel made by civil litigants. Those factors include the likelihood of success on the merits, the complexity of the legal issues and the movant’s ability to investigate and present the case.” *Jerez v. Bell*, No. 19-CV-2385 (CM), 2019 WL 1466899, at \*4 (S.D.N.Y. Apr. 2, 2019) (citations omitted). Applying those factors here, the Court concludes that the interests of justice do not require appointment of counsel in this case. Accordingly, Defendant’s request for counsel is DENIED.

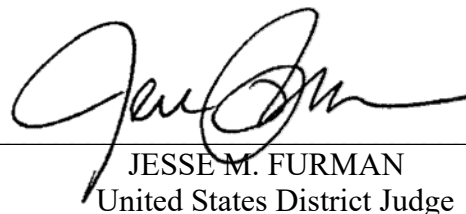
By contrast, Defendant’s request for an extension of time to file his reply is GRANTED. Defendant shall file any reply by **May 26, 2023**.

The Clerk of Court is directed to terminate ECF No. 90 and to mail this Order to:

Benjamin Figueroa  
Register No. 73822-053  
FCI Gilmer  
Federal Correctional Institution  
P.O. BOX 6000  
Glenville, WV 26351

SO ORDERED.

Dated: March 23, 2023  
New York, New York

  
JESSE M. FURMAN  
United States District Judge